IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO :16759 of 2006

DATED:02.07.2007.

Between:

M.Kumara Swamy

.....

PETITIONER

AND

1.The Govt of A.P rep by its Principal Secretary,
GAD Dept Secretariate, Hyderabad

.....RESPONDENTs

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:16759 OF 2006

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

This writ petition is filed by the petitioner seeking to call for the records pertaining to the order dated 3.4.2006 passed in O.A.No:2006/2005 by the A.P. Administrative Tribunal and set aside the same as unjust and declare the action of the 2nd respondent in not selecting the petitioner as Assistant Executive Engineer pursuant to the notification No:11/2004 in respect of B.C "A" category in Zone V either against one vacancy reserved for B.C. "A" category in R & B Department or against two vacancies reserved for B.C. "A" category in I & CAD Department in respect of Zone V and selecting non locals in respect of the said vacancies as illegal and consequently to set aside the selection of non local candidates bearing H.T.Nos.11041518, 11018288 and 11050134 and direct the 2nd respondent to select the petitioner as Assistant Executive Engineer in the post earmarked for B.C. "A" category in Zone V either in R & B Department or in I & CAD Department and post him.

The petitioner is the applicant. Originally, he filed

O.A.2006 of 2005 seeking to declare the action of the 2nd respondent in not selecting the applicant as Assistant Executive Engineer pursuant to the notification No:11 of 2004 in respect of B.C "A" category in Zone V either against one vacancy reserved for B.C. "A" category in R & B Department or against two vacancies reserved for B.C. "A" category in I & CAD Department in respect of Zone V and selecting non locals in respect of the said vacancies as illegal and consequently to set aside the selection of non local candidates bearing H.T.Nos.11041518, 11018288 and 11050134 and direct the 2nd respondent to select the petitioner as Assistant Executive Engineer in the post earmarked for B.C. "A" category in Zone V either in R & B Department or in I & CAD Department and appoint him.

The Tribunal having observed that this Court has already considered the contentions of the learned counsel for the applicant in W.P.No:20106 of 2004 and upheld the G.O.Ms.No:124 and thereby the selections have been ordered strictly in accordance with the G.O. dismissed the O.A. Having aggrieved by the same, the present writ petition is filed by the applicant.

Heard the learned counsel and perused the order impugned as well as the material available on record.

The material on record goes to show that during the course of selection, three candidates belonging to BC "A" category have been selected and they have secured the marks of 327, 324 and 339 whereas the applicant has secured 315. The respondents have ordered selection of candidates to the post of Assistant

Executive Engineers strictly in accordance with the provisions of G.O.Ms.No:124, which was up held by this Court in W.P.No:20106 of 2004. As per the said G.O. the respondents have divided the provisional list into two parts. The first part comprising 40% posts consisting of combined merit list of locals as well as non locals and the second part comprising balance 60% of the posts consisting of local candidates. As per the combined merit list all locals as well as non local candidates belonging to B.C. "A" category have secured more marks than the applicant. Therefore, they have been appointed to the post of Assistant Executive Engineer. It is further apparent on the face of the record that there are about 11 persons over and above the applicant in the merit list of B.C. "A" candidates and thereby, the applicant cannot come up for consideration according to the merit list.

In the present facts and circumstances of the case and in view of the compliance of procedure during the course of selection, as contemplated under G.O.Ms.No:124, which was upheld by this Court, We have no hesitation to hold that the tribunal is justified in rejecting the claim of the applicant. Consequently, We see no merits in this W.P. and the same is liable to be dismissed.

According, this W.P. is dismissed. No costs.

(JUSTICE T.MEENAKUMARI)

Date:2nd July, 2007

(JUSTICE G.CHANDRAIAH)

gurc/nn

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO:16759 of 2006

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

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2nd July, 2007.